

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

DAVID A. WILLIS,

Petitioner,

v.

Civil Action No. **3:09CV742**

PATRICIA STANSBERRY,

Respondent.

MEMORANDUM OPINION

Willis, a federal prisoner proceeding *pro se*, was convicted in the United States District Court for the Western District of North Carolina (hereinafter “the Sentencing Court”) of solicitation to commit murder and use of interstate commerce facilities in the commission of murder for hire. The Sentencing Court imposed a total active term of imprisonment of 210 months. On April 15, 2010, the United States Court of Appeals for the Fourth Circuit affirmed Willis’s sentence. *Willis v. United States*, No. 08-4998 (4th Cir. Apr. 15, 2010).

On November 24, 2009, the Court received Willis’s petition for a writ of habeas corpus under 28 U.S.C. § 2241. Willis argues that his conviction and sentence should be vacated. On February 11, 2010, Respondent filed a motion to dismiss contending that, *inter alia*, that this action must proceed under 28 U.S.C. § 2255 because Willis had not demonstrated that the remedy afforded by 28 U.S.C. § 2255 is inadequate or ineffective to test the legality of his detention. *See Swain v. Pressley*, 430 U.S. 372, 381 (1977); *In re Vial*, 115 F.3d 1192, 1194 (4th Cir. 1997). Willis’s response fails to address this issue.

The Fourth Circuit has explained that:

